

SECTION 1103.00 ZONING ADMINISTRATION.

1103.06 ORDINANCE AMENDMENTS AND LAND REZONINGS.

1103.06 SUBD. 1. AUTHORITY.

This Ordinance and the Zoning District Map may be amended from time to time by ordinance duly enacted by the City Council; provided, however, that no such amendment shall be enacted except in accordance with the procedures of Section 1103.09, Public Hearings.

1103.06 SUBD. 2. INITIATION.

Proposed amendments or rezonings may be initiated by the City Council, by the Planning Commission or by any one or more owners of real estate in the area to be affected by the amendment or rezoning, or by the owner of an enforceable option to purchase property in the area affected by the amendment or rezoning.

1103.06 SUBD. 3. PROCEDURE.

1. When any proposed amendment or rezoning is initiated by the City Council, the Council shall transmit its proposal to the Planning Commission for a public hearing and report thereon.
2. When any proposed amendment or rezoning is initiated by an owner or owners of real estate in the City, an application for such amendment or rezoning, addressed to the City Council, shall be filed with the Zoning Administrator. A nonrefundable application fee, established from time to time by the City Council to cover administrative costs, shall accompany the application.

The application shall be in such form and contain such information as shall be prescribed from time to time by the Planning Commission, but shall in all instances contain the following information:

- A. The applicant's name and address;
- B. The precise wording of any proposed amendment to the text of this Ordinance; and
- C. In the case of a rezoning:
 1. A legal description and street address of the property proposed to be reclassified,
 2. The name and address of the property owner or owners of the said property,
 3. The present zoning classification and existing uses of the property to be reclassified,
 4. The area of the property proposed to be reclassified, stated in square feet or acres, or fraction thereof, and

5. A map, drawn to scale, clearly showing the property proposed to be rezoned, its present zoning classification, existing uses, and its initial use under the proposed zoning and, if deemed necessary by the Zoning Administrator, a land survey will be required.
3. A public hearing shall be set, advertised and conducted by the Planning Commission and City Council in accordance with Section 1103.09 of this Ordinance.
4. The Planning Commission shall consider possible adverse effects of the proposed amendment. Its judgment shall be based upon, but not limited to, the following factors:
 - A. The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the official City Comprehensive Plan.
 - B. The proposed use is or will be compatible with present and future land uses of the area.
 - C. The proposed use conforms with all performance standards contained herein.
 - D. The proposed use will not tend to or actually depreciate the property values in the area in which it is proposed.
 - E. The proposed use can be accommodated with existing public services and will not overburden the City's service capacity.
 - F. Traffic generation by the proposed use is within capabilities of streets serving the property.
5. Within thirty (30) days following the conclusion of the public hearing, the Planning Commission shall transmit to the City Council its recommendation in the form of a written report. Such report shall be accompanied by the findings of fact specifying the reasons for the recommendation.
6. Within the time frame established by Minnesota Statutes section 15.99 following receipt of the completed application, the City Council shall render its decision granting or denying the ordinance amendment and/or land rezone. Such decision shall be accompanied by findings of fact and shall refer to any exhibits containing plans and specifications for the proposed amendment or rezone. Such plans and specifications shall remain a part of the permanent records of the City Council. The findings of fact shall specify the reason or reasons for granting or denying the ordinance amendment and/or land rezone.
7. Approval of a proposed amendment shall require passage by a two-thirds (2/3) vote of the entire City Council when the amendment changes all or part of an existing classification of a zoning district from residential to either commercial or industrial.
8. The City Council may apply a condition to a rezoning that would revert the site to the previous zoning classification if substantial development activity has not commenced on the site within one (1) year of the date of rezoning approval.

9. Whenever an application for an amendment has been considered and denied by the City Council, a similar application and proposal for the amendment affecting the same property shall not be considered again by the Planning Commission or City Council for at least six (6) months.
10. The Flood Plain designation on zoning maps shall not be removed from the flood plain areas unless it can be shown that the designation is in error or that the areas are filled to an elevation at or above the flood protection elevation and are contiguous to other lands lying outside the Flood Plain District. Special exceptions to this rule may be permitted by the Commissioner of Natural Resources if he/she determines that, through other measures, lands are protected adequately for the intended uses.

All amendments to either the Flood Plain designation on the official zoning map or Flood Plain provisions of this Ordinance must be submitted to and approved by the Commissioner of Natural Resources prior to adoption.
11. Whenever an application for an amendment has been considered and denied by the City Council, a similar application and proposal for the amendment affecting the same property shall not be considered again by the Planning Commission or City Council for at least six (6) months.
12. The amendment shall not become effective until such time as the City Council approves an ordinance reflecting said amendment and after said ordinance is published in the official newspaper.